



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/844,563

04/27/2001

Hideyuki Agata

450100-03200

3012

20999 7590 02/08/2007
FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

CHUONG, TRUC T

ART UNIT

PAPER NUMBER

2179

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
--	-----------	---------------

3 MONTHS

02/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/844,563	Applicant(s) AGATA ET AL.	
	Examiner Truc T. Chuong	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 11, 19 and 23-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 11, 19, and 23-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is responsive to the RCE, filed 11/20/06.

Claims 1-2, 11, 19, and 23-36 are pending in this application. In the communication, claims 1, 11, and 19 are independent claims, claims 1, 11, and 19 are amended, and claims 3-10, 12-18 and 20-22 are cancelled. This action is made non-final.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 11, 19, 23-25, 28-29, 32-33, and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Goldberg et al. ("Goldberg", U.S. Patent No. 5,963,203).

As to claim 1, Goldberg shows an information processing apparatus, comprising:

first generation means (e.g., first/second/third...images are cascading displayed on the display screen, col. 10 lines 4-10, and figs. 1A-C, and 4) for generating a first image for browsing corresponding to first data;

second generation means (e.g., figs. 1A-C, 4, 5A-8) for generating a second image for browsing corresponding to second data;

Art Unit: 2179

first designation means (designating a position on the screen as a viewing position relative to the displayed image by clicking with the computer mouse, e.g., col. 10 lines 21-30) for designating display positions of the first image and the second image along a virtual line so that the first image overlaps at least a portion of the second image (images are overlapping/cascading as shown in figs. 1A-C, 4, 5A-8); and

first display control means (designating a position on the screen as a viewing position relative to the displayed image by clicking with the computer mouse, e.g., col. 10 lines 21-30) for displaying the first image and the second image at the display positions designated by the first designation means,

wherein said first display control means controls the display of the first image and the second image such that the first image and the second image are aligned with a set of images in a curve which constitutes a circle, spirally with a set of images in a three-dimensional space or with a set of images in a planar manner (e.g., figs. 6A, 7, and 9).

As to claim 2, Goldberg shows the information processing apparatus according to claim 1, wherein said first display control means controls the display of the first image and the second image are linearly with a set of images (e.g., figs. 1A-C, 4, 5A-8).

As to claim 11, it is a method claim of the system claim 1; note the rejection of claim 1 above.

As to claim 19, it is a program product claim of claim 1 the system claim 1; note the rejection of claim 1 above.

As to claim 23, Goldberg shows the information processing apparatus according to claim 1, further comprising:

Art Unit: 2179

operating means (the user can select a script from a plurality of scripts to display, e.g., col. 9 lines 54-65) for performing a first operation, a second operation (the user clicks on one of the objects on the image, e.g., col. 11 line 64-col. 12 line 7) or a third operation based on a user operation;

selecting means for selecting (e.g., col. 9 lines 54-65, and col. 11 line 64-col. 12 line 7), in accordance with the first operation or the second operation performed through the operating means, one of the first image and the second image displayed by the first display control means (e.g., figs. 7B, 8-9); and

reproduction means for reproducing data corresponding to the one of the first image and the second image selected by selecting means when the third operation has been performed (the user can extract an object from the images of the first and second operation while choosing other frames from different parallel video sequences, e.g., col. 12 lines 7-15, lines 35-46; therefore, the user easily goes back and forward among operations while the scripts are still viewing/playing).

As to claim 24, Goldberg shows the information processing apparatus according to claim 23, further comprising:

second display control means for controlling (the mouse, e.g., col. 9 lines 65-66), in accordance with said first operation or said second operation performed through said operating means (e.g., col. 10 lines 21-30), the display of an icon of an application program which uses said content to be reproduced by said reproduction means (icons for selecting the application program and scripts, e.g., fig. 2), and

starting means for starting (icons for selecting the application program and scripts, e.g., figs. 2, and 1A-C, 4, 5A-8), if said third operation is performed through said operating means

Art Unit: 2179

with the display of an icon of a predetermined application program maintained in an active state by said second display control means, said predetermined application program of which display of an icon is maintained in the active state (all icons can be in active states, e.g., fig. 2).

As to claim 25, Goldberg shows the intonation processing apparatus according to claim 24, wherein, when any display of the icon of said application program is not maintained in the active state by said second display control means and said third operation is performed through operating means, said starting means ends said application program (the user can close one of the opening scripts and then open another one from the list).

As to claim 28, Goldberg shows the information processing apparatus according to claim 23, wherein said first operation, said third operation, and said second operation are performed by switches arranged substantially in straight-line (e.g., fig. 2).

As to claims 29 and 32, they are method claims of system claims 23 and 28; note the rejections of claims 23 and 28 above respectively.

As to claims 33 and 36, they are computer program product claims of the system claims 23 and 28; note the rejections of claims 23 and 28 above respectively.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 26-27, 30-31, and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg et al. ("Goldberg", U.S. Patent No. 5,963,203) in view of Gilligan et al. ("Gilligan", European Patent Application 0609819 A1).

As to claim 26, Goldberg teaches the information processing apparatus according to claim 23, wherein each of said first operation and said second operation can be performed by using the mouse (e.g., col. 11 lines 65-66); however, Goldberg does not teach that each of the first and second operation is performed by rotating or turning a dial. Gilligan clearly teaches a device comprising a displaceable knob mounted on one side of the mouse housing is provided for concurrent scrolling by using the thumb of the same hand which holds the mouse to allow different scrolling scale settings, including scrolling in a normal direction to the screen plane (i.e., between successive data layers) (see the Abstract and figs. 1A-C and 3A-B). It would have been obvious at the time of the invention, a person with ordinary skill in the art would want to have the scrolling control knob of Gilligan in the images browsing features of Goldberg to provide more convenience to the user when using the mouse with the same hand/thumb in operating/moving/scrolling among tasks (Gilligan, Abstract).

Art Unit: 2179

As to claim 27, Goldberg in view of Gilligan teaches the information processing apparatus according to claim 23, wherein said third operation is performed by depressing a dial (Gilligan teaches that mouse with knob mounted on the side of the mouse having the all similar features as the regular mouse; therefore, the user make selection by depressing the knob, or it is well known in the art that the thumbwheel/knob on the regular mouse can be used in selecting operations by depressing on it).

As to claims 30 and 31, they are method claims of system claims 26 and 27; note the rejections of claims 26 and 27 above respectively.

As to claims 34 and 35, they are computer program product claims of the system claims 26 and 27; note the rejections of claims 26 and 27 above respectively.

Response to Arguments

5. Applicant's arguments filed in the RCE, filed 11/20/06, have been fully considered but they are not persuasive.

Applicants argued and Examiner disagrees for the following reasons:

*Goldberg does not show wherein said first display control means controls the display of the first image and the second image such that the first image and the second image are aligned with a set of images in a curve which constitutes a circle, spirally with a set of images in a three-dimensional space **or** with a set of images in a planar manner.*

Figs. 6A-B and 9 of Goldberg clearly show the images are displayed set of images in a three-dimensional space OR with a set of images in a planar manner.

Moreover, fig. 9 also shows the images in the curve that constitutes a circle.

Art Unit: 2179

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T. Chuong whose telephone number is 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Truc T. Chuong

01/22/07



WEILUN LO
SUPERVISORY PATENT EXAMINER